

REMARKS

I. STATUS OF THE CLAIMS

Claims 2-12, 15-19 and 26-34 are pending in the application. Claims 2-12, 15-19 and 26-34 are rejected.

II. THE REJECTIONS UNDER 35 U.S.C. § 112, 2nd ¶

Claims 2-12, 15-19 and 26-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicants submit that the amendment to the claims obviates any basis for the rejection under 35 U.S.C. 112, second paragraph. Reconsideration and withdrawal of the rejection under 35 U.S.C. 112, second paragraph, are respectfully requested.

III. THE OBJECTION UNDER 35 U.S.C. § 132

The final Office Action maintains the objection to the amendment submitted on May 22, 2006, asserting that it introduces new matter. Applicants respectfully traverse the objection.

As discussed in the Amendment submitted January 8, 2009, upon filing the above-identified patent application, Applicants (1) indicated that “a peptide as described in [a] corresponding [application]”, i.e., attorney docket no. 038073-5005 PR, later identified as U.S. application serial no. 60/498,740, could be employed in accordance with the method of the invention and (2) incorporated the entire contents of the application by reference. Applicants pointed out that “this filing contains the sequence now presently claimed.” See, e.g., U.S. application serial no. 60/498,740 at page 6, lines 8-9. Applicants amended the specification to claim priority to application serial no. 60/498,740. The final Office Action recognizes that two sequences appear in this application, i.e., one with a “LAARA X₁₀” sequence and one with a “LAARX₁₀”. However, the final Office Action indicates its belief that the intent was to include the “LAARA X₁₀” sequence and that the “LAARX₁₀” sequence was merely a typographical error. Applicants respectfully submit that a review of the claims in this application as filed demonstrates otherwise. See claim set attached. The claims as filed clearly recite the “LAARX₁₀” sequence.

Reconsideration and withdrawal of the objection to the amendment submitted on May 22, 2006 are respectfully requested.

IV. THE REJECTIONS UNDER 35 U.S.C. § 112, 1st ¶

Claims 2-12, 15-19 and 26-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In response, as discussed in Section III above, the intent in application serial no. 60/498,740 was to recite “LAARX₁₀” sequence. This intent is demonstrated by the claim set which recites this sequence.

Reconsideration and withdrawal of the rejection of claims 2-12, 15-19 and 26-34 under 35 U.S.C. 112, first paragraph, are respectfully requested.

IV. CONCLUSION

Early consideration and prompt allowance of the claims are respectfully requested. Should the Office require anything further, it is invited to contact Applicants' representative at the telephone number below.

Respectfully submitted,

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